

REQUEST FOR COUNCIL ACTION

SUBJECT: Utah Down Syndrome Foundation Buddy Walk

SUMMARY: The Utah Down Syndrome Foundation (UDSF), a 501(c)(3) organization, is holding their statewide Buddy Walk at Veterans Memorial Park on August 29, 2015. This event is their biggest family funfest and fundraiser for the year and is designed to help those with Down Syndrome enhance their self-esteem, enjoy social interactions, and achieve their educational and vocational potential. UDSF is requesting a waiver of fees in exchange for an official sponsorship valued at \$1,000 (see attached letter).

FISCAL IMPACT: Fees are broken down in the background information totaling \$1,085. (UDSF has already paid \$300 for the park reservation and an additional \$500 deposit.) They will clean up during and after their event and include the City in their marketing efforts.

STAFF RECOMMENDATION:

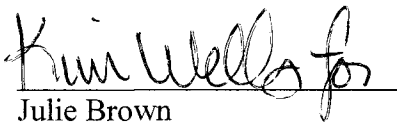
Staff is looking for direction from Council.

MOTION RECOMMENDED:

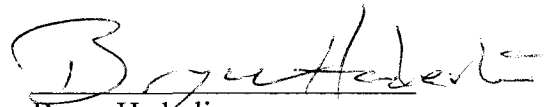
"I move to waive encroachment permits and additional City services in the amount of \$1,085 for the 2015 Utah Down Syndrome Foundation that includes: encroachment permit, EMT coverage, and police officer coverage along 2200 West during the 5K. In return, UDSF would provide the City with promotional coverage valued at \$1,000 (see attachment)."

Roll Call vote required

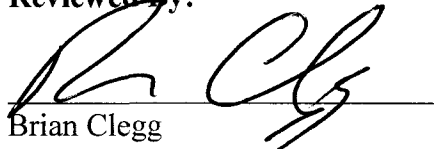
Prepared by:


Julie Brown
Events Coordinator

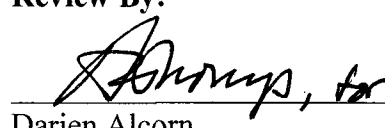
Recommended by:


Bryce Haderlie
Interim City Manager

Reviewed By:


Brian Clegg
Parks Director

Review By:


Darien Alcorn
Deputy City Attorney

BACKGROUND DISCUSSION:

Utah Down Syndrome Foundation request – see attached letter.

3-4-1: WAIVER OF FEES AND FINES, GENERALLY:

For purposes of this chapter, “waiving” an amount also means writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by this code to be paid to the city may not be waived, unless:

- A. City Attorney Determination: Determined by the city attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the city in connection with a city provided service or a license/permit may be waived by the city manager:
 - 1. Value For Value Settlements: If the waiver of fees or claims confers a substantially equivalent benefit on the city consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
 - 2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
 - 3. Doubtful/Uncollectible Amounts: Once the city has made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the city, or has otherwise determined in good faith that the amount is practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without city council approval.

The city manager may delegate some or all of this authority to department heads and other managers in city government by administrative directive.

- C. Support Of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the city council may waive fees otherwise due to the city, and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.
- D. Settling Litigation And Prelitigation Claims By Or Against The City: A claim made by or against the city may be compromised, in whole or in part, without city council approval, up to an amount payable by, or to be paid to, the city of fifteen thousand dollars (\$15,000.00), if the city attorney determines that such a compromise is in the best interests of the city. Notwithstanding the foregoing, prior to settling any claim by or against the city, the mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code § 1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City, and may otherwise provide financial and nonfinancial support to a nonprofit

entity providing services to the citizens of the City, if the City complies with section 10-8-2 of the Utah Code. Section 10-8-2 limits the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and requires a public hearing prior to approval.

The Utah Down Syndrome Foundation is a nonprofit corporation and requesting nonmonetary contributions for the Buddy Walk & 5K valued at \$1,085 as follows:

Utah Down Syndrome requested services:

<u>Requested Item</u>	<u>Cost/Value</u>
• Park fees	
○ Set up / Cleaning	\$150
○ Staff support (8a – 1p=5hrs) 5hrs x \$25	\$125
• Encroachment permit	\$260
• EMT coverage (2 hrs x \$125=250; ambulance will stay in service)	\$250
• Officer placement at 2200 West during 5K (billed in pairs for a minimum of 3 hours)	\$300
TOTAL:	\$1,085

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 15-156

A RESOLUTION APPROVING AN EVENT AGREEMENT FOR THE UTAH DOWN SYNDROME FOUNDATION AND AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE AGREEMENT FOR AND ON BEHALF OF THE CITY.

Whereas, Section 3-4-2 of the 2009 City Code authorizes the City to enter into Value for Value agreements to confirm the delivery of support by the City to a nonprofit entity in return for fair value received by the City, all as contemplated the Utah Code; and

Whereas, the Event Agreement in the form attached to this Resolution meets the requirements of Section 3-4-2 of the 2009 City Code and does provide equivalent value to the City for the support being given to the Utah Down Syndrome Foundation; and

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. The Event Agreement with the Utah Down Syndrome Foundation, in the form attached to this Resolution, shall be and is approved by the City Council.

Section 2. The Mayor is hereby authorized and directed to sign the Event Agreement with the Utah Down Syndrome Foundation for and on behalf of the City.

Section 3. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah this ____th day of August, 2015.

CITY OF WEST JORDAN

Attest:

By: _____
Mayor Kim V. Rolfe

Melanie Briggs, City Recorder

Voting by the City Council

“AYE”

“NAY”

Jeff Haaga

Judy Hansen

Chris McConnehey

Chad Nichols

Ben Southworth

Sophie Rice

Mayor Kim V. Rolfe

EVENT AGREEMENT

2015 Utah Down Syndrome Foundation Buddy Walk

This Event Agreement ("Agreement") is made and entered into by and between the **Utah Down Syndrome Foundation**, a Utah nonprofit corporation with principal place of business at P.O. Box 675, Salt Lake City, UT 84110 ("**UDSF**") and **West Jordan City** with principal place of business at 8000 South Redwood Road, West Jordan, Utah 84088 ("**Host**").

1.0 Purpose of this Agreement

1.1 The purpose of this Agreement is to set forth the terms and conditions upon which UDSF's event (the "Event") will take place in the Host's Veterans Memorial Park.

2.0 UDSF's Responsibilities

2.1 In fulfillment of its obligations hereunder, UDSF shall provide value to the Host as follows:

- (a) The Host and its logo will be featured on event t-shirts.
- (b) The Host's logo will be prominently featured on the UDSF website and social media sites.
- (c) The Host's logo will be included on all handbills and flyers to be distributed throughout the State of Utah.
- (d) UDSF will include Host logo on signage along the Buddy Walk path.
- (e) Five walkers on a City Buddy Walk team (participants to be determined by the City Council) and complimentary t-shirts, lunch and activities.
- (f) UDSF will perform park clean up prior during and after the Event.

3.0 Host's Responsibilities

3.1 In fulfillment of its obligations hereunder, Host shall provide value to the UDSF as follows:

- (a) Waiver of fees including: encroachment permit, EMT coverage, and police officer coverage at 2200 West during the 30-60 minutes that the 5K runners will be crossing from the park to the residential neighborhood to the west.

3.2 No payment for UDSF's performance of UDSF's Responsibilities identified herein will be due to UDSF if the Event does not take place as planned.

4.0 Releases and Indemnification

4.1 Agents, volunteers, employees of the UDSF and each participant in the Event will sign a release from all liability executed by the UDSF and the releasing person/entity. This release shall include release of the Host and its officers, elected officials and agents

from any and all claims in connection with the Event.

4.2 UDSF shall indemnify and hold harmless Host, its affiliates and each of its officers, elected officials employees, subcontractors, and agents from and against any and all claims, liabilities, actions, judgments, settlements, losses, and expenses, including reasonable attorney's fees and disbursements (collectively "Losses") arising from or in connection with putting on the UDSF other than as a result of Host's own negligence.

4.3 Host assumes no responsibility against any losses, damages, expenses, or liability resulting from the breach of its obligations under this Agreement other than for a contract claim for breach.

5.0 Insurance

5.1 A copy of insurance certificate will be provided to Host at the time of signing this Agreement. UDSF's insurance will comply in all respects with Host's standard requirements.

6.0 Governing Law, Consent to Jurisdiction

6.1 In any case either party shall pursue any legal actions they will need to be filed in the Third District Court in Salt Lake County, Utah, and any such legal action shall be governed by Utah law.

7.0 Entire Agreement

7.1 This Agreement contains the entire understanding of both parties and can only be changed by a written amendment signed by both parties.

HOST

EVENT

SIGNATURE

SIGNATURE

Kim V. Rolfe
Printed Name
Mayor
Title

Steven Hansen
Printed Name
Utah Down Syndrome Foundation
CEO

Effective Date

July 31, 2015

West Jordan City
8000 S. Redwood Road
West Jordan, UT 84088

To Whom It May Concern:

The Utah Down Syndrome Foundation, a 501(c)(3) organization, is dedicated to helping families with members who have Down syndrome. It is the Foundation's goal to enable those with Ds to enhance their self esteem, enjoy social interactions, and achieve their educational and vocational potential. This letter, in turn, is a request for your help with our biggest family funfest and fundraiser of the year.

This annual event, the Statewide Buddy Walk® & 5K, will be held at Veterans Memorial Park for the second year. It is slated the morning of August 29. We returned to this venue because of the accommodating efforts of staff from the Parks Department, Engineering Department, Police Department, Fire Department, and others. In 2015, we'd like to take our partnership the next level by making West Jordan City an official sponsor.

We respectfully request that the City waive the encroachment permit fee for closing the roadway on the north side of the Viridian Center, provide EMT coverage* at our first aid booth, and station a police officer along 2200 West during the 30-60 minutes that the 5K runners will be crossing from the park to the residential neighborhood to the west.

UDSF, in return, would provide the City with promotional consideration as follows:

- City logo placement on official Buddy Walk® t-shirts
- Logo placement on social media promotions and the UDSF website
- Logo placement on handbills and flyers to be distributed throughout the State of Utah (see accompanying media)
- Logo placement on a sign along the Buddy Walk® path
- Five walkers on a City Buddy Walk® team (participants to be determined by the City Council) and complimentary t-shirts, lunch, and activities

This package, in essence, constitutes the Buddy Walk® Supporting Sponsor package and is valued at \$1,000. We hope it can raise awareness of the beauties and benefits of this progressive municipality. As the Foundation can attest, it is a welcoming and accommodating entity.

Thank you for your consideration. Please call me at (801) 503-5086 if you have questions.

Sincerely,



Steven Hansen, CEO

* A request has been submitted to the Fire Department for this service and we are awaiting a response.

Statewide 'Shoot for the Stars'

Buddy Walk® & 5K



Sat., August 29, 2015

5K 8:30 am | Buddy Walk® 10:30 am



Veterans Memorial Park
1985 West 7800 South, West Jordan

Register at www.udsf.org



**Regular/On-site*
Registration:**

5K Youth \$25
5K Adults \$35
BW Youth \$10
BW Adults \$15
Ds Participants Free

On-site Buddy Walk® registration begins August 29 at 9 am. Shirt availability is not guaranteed.



- Professionally-timed 5K race, multiple division winners, prizes and Buddy Walk® 5K race shirts (8:30 am)
- Family-friendly Buddy Walk®, t-shirts — plus fund-raising recognition gifts (10:30 am)
- "Shoot for the Stars" paper rocket launching, bounce house and other 'inflatables,' carnival, midway games and exhibit booths (9 am - Noon)
- STRIDER® Balance Bike Adventure Zone — and register for a bike giveaway (9 am - Noon)
- Free chicken sandwich lunch (11:30 am)



Alan Anderson, Buddy Walk® Chair, (801) 971-5341

Win a STRIDER®

* Youth registration available for those 2-17 years of age. Complete online registration with a credit card. Cash, credit cards and checks accepted on-site. Check-in for the 5K will be held from 7:30 - 8:15 am.

Win a **STRIDER®** Bike

at the UDSF* 'Shoot for the Stars' Buddy Walk® & 5K




Sat., August 29, 2015
8:30 am - Noon



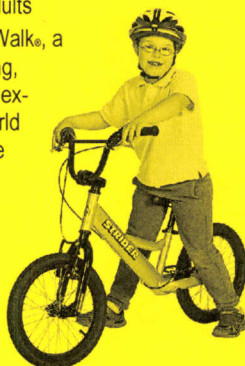
Veterans Memorial Park
1985 West 7800 South
West Jordan, Utah

Register at www.udsf.org

- Registration only \$10 for youth, \$15 for adults
- Activities include a family-friendly Buddy Walk®, a 'Shoot for the Stars' paper rocket launching, inflatable devices, carnival games, treats, exhibit booths, photo ops with out-of-this-world creatures and the **STRIDER®** Balance Bike Adventure Zone
- Lunch provided by 

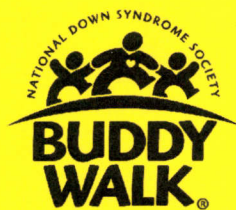


* Questions? Call the Utah Down Syndrome Foundation at (801) 503-5086.



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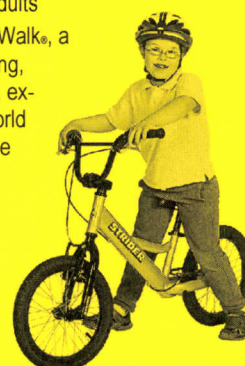
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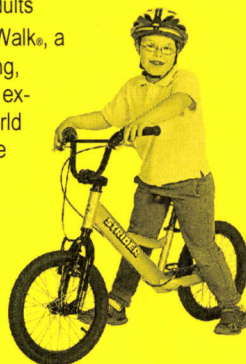
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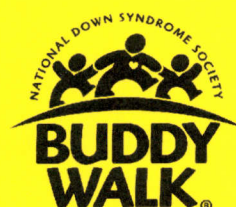


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